



03-14-06

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Martin, et al.  
Serial No.: 10/724,481 Group Art Unit: 3753  
Filed: 11/28/2003 Examiner: Flanigan, Allen J.  
For: LOW PROFILE HEAT EXCHANGER WITH NOTCHED TURBULIZER  
Docket No.: 60,680-771

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO RESTRICTION/ELECTION  
REQUIREMENT UNDER 35 U.S.C. § 121**

Dear Commissioner:

This paper is responsive to the Office Action mailed February 10, 2006. In the Office Action, the Examiner has required Applicants to elect a single disclosed main species (one of Figs. 2, 15, 16, or 17), one turbulizer plate subspecies (Fig. 8. or Fig. 9), one cover plate subspecies (Figs. 4, 10, 11, or 12), and one mounting hole subspecies (Figs. 14a, b, c, or d) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

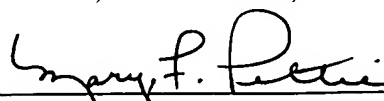
Applicants hereby elect, without traverse, the species shown in Figure 2. Applicants submit that claims 1-6 and 17-20 are generic to the species, and that claims 1-14 and 17-20 read on the elected species.

With respect to the turbulizer plate subspecies, pursuant to a telephone conference between the undersigned attorney and the Examiner on March 13, 2006, it was discussed that there was in fact a third turbulizer plate subspecies, as shown in Figure 3. Applicants hereby elect, without traverse, the turbulizer plate subspecies shown in Figure 3. Applicants submit that

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**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this *Response to Restriction/Election Requirement Under 35 U.S.C. § 121* is being deposited with the United States Postal Service as Express Mail No. ED455208332US, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13<sup>th</sup> day of March, 2006.

  
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Mary F. Peltier

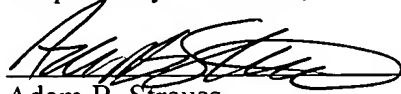
claims 1-20 read on this elected subspecies so, accordingly, elected claims 1-14 and 17-20 read on this subspecies.

With respect to the cover plate subspecies, Applicants hereby elect, without traverse, the subspecies shown in Figure 4. Applicants submit that claims 1-20 read on this elected subspecies so, accordingly, elected claims 1-14 and 17-20 read on this subspecies.

With respect to the mounting hole subspecies, Applicants hereby elect, without traverse, the subspecies shown in Figure 14B. Applicants submit that claims 1-20 read on this elected subspecies so, accordingly, elected claims 1-14 and 17-20 read on this subspecies.

If the Examiner has any further questions regarding the matter, the Examiner is directed to contact Applicant's undersigned attorney.

Respectfully submitted,



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Dated: March 13, 2006

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